

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

|  |   |   |                  |
|--|---|---|------------------|
| Applicant's or agent's file reference<br>PC 05 196 M   | <b>FOR FURTHER ACTION</b>   |   | See item 4 below |
| International application No.<br>PCT/EP2005/004083   | International filing date ( <i>day/month/year</i> )<br>18 April 2005 (18.04.2005) | Priority date ( <i>day/month/year</i> )<br>07 May 2004 (07.05.2004) |                  |
| International Patent Classification (8th edition unless older edition indicated)<br>See relevant information in Form PCT/ISA/237 |   |   |                  |
| Applicant<br>HELLMA GMBH & CO. KG  |   |   |                  |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report   |
| <input type="checkbox"/> Box No. II           | Priority  |
| <input type="checkbox"/> Box No. III          | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV           | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI           | Certain documents cited   |
| <input type="checkbox"/> Box No. VII          | Certain defects in the international application  |
| <input type="checkbox"/> Box No. VIII         | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

|   |   |
|---|---|
| The International Bureau of WIPO<br>34, chemin des Colombettes<br>1211 Geneva 20, Switzerland<br><br>Facsimile No. +41 22 338 82 70 | Date of issuance of this report<br>09 January 2007 (09.01.2007)       |
|   | Authorized officer<br><br>Yolaine Cussac<br><br>e-mail: prl1@wipo.int |

# PATENT COOPERATION TREATY

TRANSLATION

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference

**PC 05 196 M**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/EP2005/004083**

International filing date (day/month/year)

**18.04.2005**

Priority date (day/month/year)

**07.05.2004**

International Patent Classification (IPC) or both national classification and IPC

**G01N21/03**

Applicant

**HELLMA GMBH & CO. KG**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/004083

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language  
\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/004083

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:  
citations and explanations supporting such statement

1. Statement

|                               |        |           |     |
|-------------------------------|--------|-----------|-----|
| Novelty (N)                   | Claims | 7         | YES |
|                               | Claims | 1-6, 8-15 | NO  |
| Inventive step (IS)           | Claims |           | YES |
|                               | Claims | 1-15      | NO  |
| Industrial applicability (IA) | Claims | 1-15      | YES |
|                               | Claims |           | NO  |

2. Citations and explanations:

1 Reference is made to the following documents:

D1: US 2002/110496 A1 (SAMSOONDAR JAMES) 15 August 2002  
(2002-08-15)

D2: US-A-3 392 623 (WALKER PETER ET AL) 16 July 1968  
(1968-07-16)

D3: EP-A-0 660 106 (HELLMA GMBH & CO. KG GLASTECHNISCHE-  
OPTISCHE WERKSTAETTEN)  
28 June 1995 (1995-06-28)

D4: DE 33 44 387 A1 (HOECHST AG) 20 June 1985  
(1985-06-20)

2 The present application fails to meet the requirements of  
PCT Article 33(1) because the subject matter of claim 1  
is not novel (PCT Article 33(2)).

2.1 Document D1 (see figure 2) discloses (the references in  
parentheses are to D1):

A device (figure 11) for the analysis or absorption  
measurement of a small quantity of a fluid medium, e.g. a  
droplet, that uses light directed through this medium,  
following the passage of which the light is detectable or  
analyzable by means of photometry, spectrophotometry,  
fluorometry or spectrofluorometry. In its working

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2005/004083

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

position, said device comprises a flat upper receiving surface for placing the medium or applying the medium by dropping, below said receiving surface, in its housing (80), a horizontally orientated light entrance (60) and, located in the path of light behind the light entrance, a first installation to deflect the light upwards to the receiving surface (10). Above the receiving surface, the device comprises a removable [0053] reflector (40, [0051], claim 25) which, in its working position, is positioned at a specified distance from the receiving surface. Said receiving surface is filled or can be filled ([0052]) by the medium at least in the area through which the light passes. A second installation is provided to deflect the light coming from the reflector towards a detector.

- 3 Claims 2-15 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, see documents D1-D4.